



United States Department of the Interior

BUREAU OF LAND MANAGEMENT FILLMORE FIELD OFFICE

35 East 500 North
Fillmore, UT 84631



In Reply Refer to:

3800/3715

(U-010)

UTU-075879 5/023/061

UTU-075856-5/023/062

June 27, 2003

CERTIFIED MAIL #7002 3150 0004 1702 2208
RETURN RECEIPT REQUESTED

DECISION

JOHN HOLFERT	:	43 CFR 3809.602
PRESIDENT	:	43 CFR 3715.5-2
UTAH MINERAL AND FOSSILS	:	SURFACE MANAGEMENT
84 E 1100 N	:	REVOCATION OF PLANS OF
BOUNTIFUL UT 84100	:	OPERATIONS

Failure to Respond to 43 CFR 3809.602 Notice

On February 7, 2003, this office issued you a decision requiring you to comply with 43 CFR 3809.505. The decision required that financial guarantees be submitted within 30 days of receipt of the decision for Plans of Operation (Plans) UTU-075856 and UTU-075879. You received the decision on February 13, 2003, and on February 21, 2003, the Utah State Office of the BLM sent you a letter with information on submitting surface management bonds, in order to assist you in complying with the decision. As of this date, you have not submitted the financial guarantees as required, nor have you appealed the requirement to submit the financial guarantees.

On April 25, 2003, we sent you notice that we intended to revoke the Plans. You received the notice on April 28, 2003, but did not respond within the 20 days given you by the notice. Therefore, as of the date of this decision, Plans of Operation, UTU-075879 and UTU-075856 are revoked. You must begin reclamation of the disturbed areas within 30 days of receipt of this decision. Reclamation must consist of removal of all trash, debris and personal property; re-contouring of the disturbed areas and establishment of vegetation of a similar nature to the surrounding area (contact this office for an approved seed mixture and a list of seed providers). If you fail to reclaim,

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DIV. OF OIL, GAS & MINING

the BLM will contract out the reclamation work and bill you for the cost. Failure to pay the bill will result in referral to the U.S. Attorney's office for collection.

If you, or anyone associated with Utah Minerals and Fossils, World Wide Mineral and Fossils, or any other claimant, continue to operate at the sites, except to reclaim, we will request that the United States (U.S.) Attorney institute civil action in the United States District Court for an order to enforce the reclamation requirement and prevent you from conducting further violations of 43 CFR subpart 3809.

43 CFR 3715.5-2 states, "Any property you leave on the public lands beyond the 90-day period described in § 3715.5-1 becomes property of the United States and is subject to removal and disposition at BLM's discretion consistent with applicable laws and regulations..." Thus, you have 90 days from the date of this decision to remove any personal property from the site. Any property left on site after September 25, 2003, will be subject to confiscation.

If you do not agree with, and are adversely affected by this order, you have the right to request review by the Utah State Director (SD), of the Bureau of Land Management, in accordance with 43 CFR 3809.800. If you exercise this right, your request, accompanied by a brief written statement explaining why we should change our decision and any documents that support your written statement, must be filed in writing within 30 days from receipt of this decision. The envelope should be marked "State Director Review" and sent to the following address:

BUREAU OF LAND MANAGEMENT
UTAH STATE OFFICE
PO BOX 45155
SLC UT 84145-0155

You should include a telephone or fax number by which the SD can contact you. If the SD does not make a decision within 21 days on whether to accept your request for review, you should consider your request declined, and you may appeal this decision to the Office of Hearings and Appeals (OHA). You may also appeal to OHA if the SD's decision is adverse to you. You must file a notice of appeal to this office within 30 calendar days of the date you receive the SD's decision or decision not to review.

You may also bypass State Director review, and appeal directly to OHA in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in the Fillmore Field Office within 30 days of receipt of this decision. You have the burden of showing that the decision appealed from is in error.

If you wish to file a petition to regulation 43 CFR 4.21 (58 FR 4939-January 19, 1993) for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals (Board), the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay **must** also be submitted to each party named in this decision, to the Board, and to the appropriate Office of the Solicitor (see 43 CFR 4.412) at the same time the original documents are filed with this office. If your request a stay, you have the burden of proof to demonstrate that a stay should be granted.

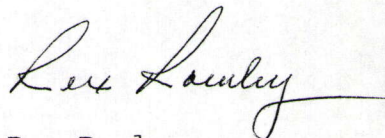
Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

As mandated in 43 CFR 3809.808, this decision will remain in full force and effect during review and appeal unless a written request for a stay is granted.

Sincerely,



Rex Rowley,
Field Office Manager

Enclosure:

Form 1842-1

cc: Tom Munson, UDOGM (S/023/061) & 5/023/062
Terry Snyder, UT-923